

MINUTES
City of Dickinson
**BOARD OF
ADJUSTMENTS**
REGULAR MEETING

January 6, 2020

The Dickinson Board of Adjustments met in a duly called and announced **Regular Meeting** on **Monday, January 6, 2020, at 6:30 p.m.** The meeting was held in the City Council Chambers located at 4403 Highway 3, Dickinson, Galveston County, Texas, and was held for the purpose of considering the following items:

ITEM 1) CALL TO ORDER AND CERTIFICATION OF A QUORUM:

Roll Call of Members
Invocation
Pledge of Allegiance

Chairperson Dawn King called the meeting to order at 6:30 p.m. Community Development Coordinator David López called roll and certified a quorum. Board of Adjustment Members present were as follows: Chairperson Dawn King, and Board Members Allen Carlile and Kevin Edmonds. Alternate Member Ronald Hebert, Alternate Member Joseph Kelly, Interim Director of Community Development S. R. Burgess, and Assistant Building Official Jeff Pahlman were also present. Vice-Chairperson Tim Philpot and Board Member Shamarion Barber were absent.

ITEM 2) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of the Minutes of the December 2, 2019 Special Meeting.

Board Member Carlile made a motion to approve the minutes of the December 2, 2019 Special Meeting, and Board Member Edmonds seconded the motion. There being no discussion, Chairperson King called for a vote.

VOTE:

5 AYES (Carlile, Edmonds, Hebert, Kelly, King)

0 NAYS

MOTION PASSED

ITEM 3) CONDUCT A PUBLIC HEARING CONCERNING: A Variance Request to Section 18-50(4)(f) of the Zoning Ordinance. The Request is to Allow for the Residential Structure to be elevated and exempted from the requirement of having a garage, at 1100 Magnolia Terrace, Dickinson, Texas 77539.

Chairperson King opened the public hearing at 6:32 p.m.

A. Staff's Presentation of the Variance

Interim Director of Community Development S. R. Burgess presented the Item and explained the request to the Board.

B. Applicant's Statement

Lynn Coleman, 1100 Magnolia Terrace, Dickinson, Texas – Ms. Coleman explained the need for the requested variance, saying that she would like to extend her master bedroom into what is now the garage.

C. Those in Favor

Ashley Yell, 3510 Maple Drive, Dickinson, Texas – Ms. Yell supports the application for a variance, and she brought with her a list of signatures from her neighbors who support the elevation of the home.

Jim Gentile, Director of Grants Administration for Galveston County – Mr. Gentile asked that the Board please approve the request, as a denial of the request would be very costly to the Applicant.

D. Those Opposed

None.

E. Applicant's Rebuttal

None.

F. Adjourn Public Hearing

Chairperson King adjourned the public hearing at 6:37 p.m.

ITEM 4) CONSIDERATION AND POSSIBLE ACTION REGARDING: A Variance Request to Section 18-50(4)(f) of the Zoning Ordinance. The Request is to Allow for the Residential Structure to be elevated and exempted from the requirement of having a garage, at 1100 Magnolia Terrace, Dickinson, Texas 77539.

Interim Director of Community Development S. R. Burgess addressed questions regarding the height of the planned elevation (approximately 6 feet) and whether the current garage will also be elevated (it will). Mr. Burgess said that staff feels that the application for a variance should be granted as it will provide much-needed relief to the Applicant while also allowing the city to benefit by having one more house elevated. Mr. Burgess suggested that, if the Board would like to require a garage on the property, that it consider granting this request but requiring that a garage

be built later, perhaps five years from now. Alternate Board Member Hebert noted that many other houses in the neighborhood do not have garages.

Following the discussion concerning the request, Board Member Carlile made a motion to approve the variance request, and Board Member Edmonds seconded the motion. There being no further discussion, Chairperson King called for a vote.

VOTE:

5 AYES (Carlile, Edmonds, Hebert, Kelly, King)

0 NAYS

MOTION PASSED

- ITEM 5) CONDUCT A PUBLIC HEARING CONCERNING: VAR-19-1115, A** Variance Request to Section 18-50(4)(f) of the Zoning Ordinance. The Request is to Allow for the Residential Structure to be improved more than Fifty (50) percent of the appraised value and be exempted from the requirement of having a garage, at 2718 Oak Drive, Dickinson, Texas 77539.

Chairperson King opened the public hearing at 6:42 p.m.

A. Staff's Presentation of the Variance

Interim Director of Community Development S. R. Burgess presented the Item and explained the request to the Board. The Applicant requested to add a second story to the house and needed to elevate the house by approximately 6 inches in order to meet the minimum base flood elevation. The garage had already been enclosed when the Applicant purchased the house, and she would like to maintain that arrangement.

B. Applicant's Statement

Dana Hernandez, 2718 Oak Drive, Dickinson, Texas – Ms. Hernandez explained her request, and discussed the many issues that she has had with her contractors. At this point, the building plans are so far along that Ms. Hernandez needs the Board to approve the house not having a garage if she is to be able to complete the project. Many houses in her neighborhood have enclosed garages, and Ms. Hernandez brought a statement from one of her neighbors, along with signatures from others, to show that her neighbors support her application. She added that the property does have a detached garage, but at approximately 178 square feet, it falls shy of the City's 250 square feet requirement.

C. Those in Favor

Mike Ford, 2709 Oak Drive, Dickinson, Texas – Mr. Ford is the former owner of 2802 Oak Drive, which is the house immediately South of and next to 2718 Oak Drive. When Mr. Ford purchased that house, it did not have a garage. Similarly, when he bought his house at 2709 Oak Drive, it did not have a garage. Both of the houses look great without a garage. The City is in the process of reconstructing the street, cleaning the bayou behind it, and improving water and sewer lines. The Applicant is trying to make improvements and should be allowed to.

D. Those Opposed

None.

E. Applicant's Rebuttal

None.

F. Adjourn Public Hearing

Chairperson King adjourned the public hearing at 6:51 p.m.

ITEM 6) CONSIDERATION AND POSSIBLE ACTION REGARDING: VAR-19-1115, A Variance Request to Section 18-50(4)(f) of the Zoning Ordinance. The Request is to Allow for the Residential Structure to be improved more than Fifty (50) percent of the appraised value and be exempted from the requirement of having a garage, at 2718 Oak Drive, Dickinson, Texas 77539.

The Board discussed the request and the City's definition of a garage, with Interim Director of Community Development S. R. Burgess confirming that staff approves permits without physically visiting properties. It was not until Mr. Burgess visited the property following the issuance of the building permit that he observed that the garage had been enclosed. Mr. Burgess discussed the interaction of zoning regulations with floodplain regulations, and the requirement that making improvements to properties that in total exceed 50% of the value of the property come into compliance with all current zoning regulations, such as having a garage.

Following the discussion, Board Member Edmonds made a motion to approve the variance request, and Board Member Carlile seconded the motion. There being no further discussion, Chairperson King called for a vote.

VOTE:

5 AYES (Carlile, Edmonds, Hebert, Kelly, King)

0 NAYS

MOTION PASSED

ITEM 7) CONDUCT A PUBLIC HEARING CONCERNING: VAR-19-1160, A Variance Request to Section 18-50 of the Zoning Ordinance. The Request is to allow for a variance to the rear and front setback requirements at 2504 46th Street, Dickinson, Texas 77539.

Chairperson King opened the public hearing at 6:57 p.m.

A. Staff's Presentation of the Variance

Interim Director of Community Development S. R. Burgess presented the Item and explained the request to the Board. The lot is very small, so the garage will be built underneath the house once it has been elevated. However, the City's setback requirements present a significant problem for this uniquely shaped piece of land. This proposal has been developed with staff's input and staff recommends approval of the request.

B. Applicant's Statement

Sixto Gonzalez, 2504 46th Street, Dickinson, Texas – Mr. Gonzalez, speaking on behalf of his parents (the Applicants), said that this approval is important to his family and urged the Board to approve it.

C. Those in Favor

None.

D. Those Opposed

None.

E. Applicant's Rebuttal

None.

F. Adjourn Public Hearing

Chairperson King adjourned the public hearing at 7:01 p.m.

ITEM 8) CONSIDERATION AND POSSIBLE ACTION REGARDING: VAR-19-1160, A Variance Request to Section 18-50 of the Zoning Ordinance. The Request is to allow for a variance to the rear and front setback requirements at 2504 46th Street, Dickinson, Texas 77539.

Interim Director of Community Development S. R. Burgess confirmed that the house going on the lot will be completely new, replacing the previous structure. The dimensions of lot, Mr. Burgess said, and City Attorney Scott Bounds confirmed, predates the City's zoning ordinance, so is

grandfathered in. This request, therefore, only addresses the setback requirements. Following the discussion concerning the request, Board Member Carlile made a motion to approve the variance request with the condition that the property first be replatted, and Board Member Edmonds seconded the motion. There being no further discussion, Chairperson King called for a vote.

VOTE:

5 AYES (Carlile, Edmonds, Hebert, Kelly, King)

0 NAYS

MOTION PASSED

- ITEM 9) CONDUCT A PUBLIC HEARING CONCERNING: VAR-19-1290, A** Variance Request to Section 18-50 of the Zoning Ordinance. The Request is to allow for a variance to the rear, front, and side setback requirements at 4902 East 35th Street, Dickinson, Texas 77539.

Chairperson King opened the public hearing at 7:10 p.m.

A. Staff's Presentation of the Variance

Interim Director of Community Development S. R. Burgess presented the Item and explained the request to the Board. The house, he said, is large relative to the lot, so staff recommends reducing the setbacks on all four sides of the house. The house will have a garage. Board Member Edmonds said that the property did not have a sign posted on it today, although it had in previous days, and questioned whether the Board should hold this public hearing. Chairperson King asked City Attorney Scott Bounds for his legal opinion. Mr. Bounds explained the City's Code of Ordinances and said that the sign must be posted for at least the ten days immediately preceding the date of the hearing. The Board, he said, determines whether sufficient and reasonable notice of the hearing was given.

Chairperson King adjourned the public hearing at 7:18 p.m. for the discussion. Board Member Edmonds said that he was concerned about the posting of the sign from a due process standpoint, to ensure that the neighbors were properly aware of the hearing, and asked Mr. Burgess for the copies of the certified mailing receipts so that he could be comfortable that the notice was properly given. Board Member Edmonds then questioned whether the letter itself also needed to have the name of its intended recipient rather than just being a form letter; Mr. Bounds said that the letter was legally sufficient and appropriate. Following the discussion, it was the consensus of the Board that there was sufficient evidence that proper notice of the public hearing had been given. Chairperson King reopened the public hearing at 7:24 p.m.

B. Applicant's Statement

Josh Winkleman, Allco Construction, P.O. Box 3684, Beaumont, Texas – Mr. Winkelman is the contractor for the project. He explained that the project is a complete demolition and rebuild of the house under the General Land Office's program for Hurricane Harvey recovery. He explained the process to the Board and said that the home will comply with all City codes and regulations.

C. Those in Favor

None.

D. Those Opposed

None.

E. Applicant's Rebuttal

None.

F. Adjourn Public Hearing

Chairperson King adjourned the public hearing at 7:26 p.m.

- ITEM 10) CONSIDERATION AND POSSIBLE ACTION REGARDING: VAR-19-1290**, A Variance Request to Section 18-50 of the Zoning Ordinance. The Request is to allow for a variance to the rear, front, and side setback requirements at 4902 East 35th Street, Dickinson, Texas 77539.

The Board discussed the request and the potential to require a replat of the lot, with Interim Director of Community Development S. R. Burgess addressing questions from the Board. Board Member Carlile made a motion to approve the variance request with a requirement that the lot be replatted and an offer to approve a variance to the City's minimum lot size requirement in order to accommodate the replat, and Alternate Board Member Kelly seconded the motion. There being no further discussion, Chairperson King called for a vote.

VOTE:

5 AYES (Carlile, Edmonds, Hebert, Kelly, King)

0 NAYS

MOTION PASSED

- ITEM 11) CONDUCT A PUBLIC HEARING CONCERNING:** A Variance Request to Section 18-50 of the Zoning Ordinance. The Request is to allow for a variance to the side setback requirements at 4306 East 31st Street, Dickinson, Texas 77539.

Chairperson King opened the public hearing at 7:30 p.m.

A. Staff's Presentation of the Variance

Interim Director of Community Development S. R. Burgess presented the Item and explained the request to the Board. The plan is for the manufactured home on the lot to be removed, and a site-built house built. The house will need to be located two feet closer to one of the side lot lines than currently allowed by the City's setback requirements. That side of the building will have a properly engineered fire wall.

B. Applicant's Statement

Brett Reeves, Thompson Construction – Mr. Reeves is the contractor for the project, which is a General Land Office Community Development Block Grant Disaster Recovery (CDBG-DR) project on a very small lot. The house, he said, will be elevated by six feet.

C. Those in Favor

None.

D. Those Opposed

None.

E. Applicant's Rebuttal

None.

F. Adjourn Public Hearing

Chairperson King adjourned the public hearing at 7:33 p.m.

ITEM 12) CONSIDERATION AND POSSIBLE ACTION REGARDING: A Variance Request to Section 18-50 of the Zoning Ordinance. The Request is to allow for a variance to the side setback requirements at 4306 East 31st Street, Dickinson, Texas 77539.

Following a discussion concerning the expected effectiveness of the fire wall given the overhang on that side of the house, and the size of the proposed house, Board Member Edmonds made a motion to approve the variance request, and Board Member Carlile seconded the motion. There being no further discussion, Chairperson King called for a vote.

VOTE:

5 AYES (Carlile, Edmonds, Hebert, Kelly, King)

0 NAYS

MOTION PASSED

ITEM 13) EXECUTIVE SESSION: The Board of Adjustments will now hold a closed executive meeting pursuant to the provision of Chapter 551, Government Code, Vernon's Texas Codes annotated, in accordance with the authority contained in:

- A. Section 551.071 – Consultation with Attorney regarding pending litigation and matters in which the duty of the City Attorney requires to be discussed in closed meeting.

Chairperson King said that this Item was not needed.

ITEM 14) RECONVENE

Because there was no Executive Session, this Item was not needed.

ITEM 15) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.

Because there was no Executive Session, this Item was not needed.

ITEM 16) ADJOURN


Board Member Hebert made a motion to adjourn the meeting at 7:37 p.m. and Alternate Board Member Kelly seconded the motion.

VOTE:

5 AYES (Carlile, Edmonds, Hebert, Kelly, King)

0 NAYS

MOTION PASSED


Dawn King, Chairperson